

BEFORE THE PUBLIC DISCLOSURE COMMISSION
OF THE STATE OF WASHINGTON

IN THE MATTER OF ENFORCEMENT)	PDC CASE NO: 03-363
ACTION AGAINST)	
)	
Walter Mazna)	Notice of Administrative
)	Charges
)	
Respondent.)	
_____)	

IT IS ALLEGED as follows:

I.
JURISDICTION

Jurisdiction of this proceeding is based on Chapter 42.17 RCW, the Public Disclosure Act, Chapter 34.05, Administrative Procedure Act, and Title 390 WAC.

II.
LAW

RCW 42.17.240 Elected and appointed officials, candidates, and appointees—Reports of financial affairs and gifts, states in part: “(1) Every elected official and every executive state officer shall after January 1st and before April 15th of each year file with the commission a statement of financial affairs for the preceding calendar year...”

RCW 42.17.241 details the content required in each report.

WAC 390-24-010 Forms for Statement of Financial Affairs, states in part: “The official form for statements of financial affairs as required by RCW 42.17.240 is designated ‘F-1’, revised 11/97...”

III.

FACTS

The Respondent, Walter Mazna, is a Fire Commissioner for Clark County Fire Protection District No. 12, 5605 NE 384th Street, La Center, Washington 98629. His term of office ends in the year 2005. (**Exhibit 1**) Mr. Mazna held office during 2002 and was required to file a Statement of Financial Affairs (PDC form F-1) by April 15, 2003. The F-1 report was not timely filed. On May 7, 2003, Mr. Mazna was sent a letter informing him that the F-1 report due by April 15, 2003 had not been received. The letter stated that he needed to file before May 21, 2003 to avoid the possibility of enforcement. (**Exhibit 2**) On May 23, 2003, Mr. Mazna was notified of a brief enforcement hearing scheduled for June 12, 2003. The notice gave him the opportunity to file the missing report, stipulate to a violation and pay a \$100 penalty to avoid a brief enforcement hearing. (**Exhibit 3**) On June 5, 2003, Mr. Mazna was notified that the brief enforcement hearing had been cancelled. He was informed that according to the penalty schedule adopted by the Commission, the number of past violations made his case not eligible for a brief enforcement hearing. (**Exhibit 4**) The June 5, 2003 letter informed Mr. Mazna that he would be notified of a future enforcement hearing before the full Commission to determine if he has violated the public disclosure law by failing to timely file his F-1 report by April 15, 2003. The F-1 report due April 15, 2003 was received June 5, 2003.

Past History – In 1999, in Case #00-605, Mr. Mazna was a candidate for fire Commissioner. A brief enforcement hearing was held December 9, 1999 and Mr. Mazna was found in violation of RCW 42.17.240 for failing to timely file the F-1 report as a candidate. He was assessed a \$500 penalty with \$450 suspended if the missing report was filed and the non suspended portion of the penalty was paid within 30 days.

In 2000, in Case #01-084, Mr. Mazna was required to file an annual F-1 report by April 17, 2000. A brief enforcement hearing was held October 23, 2000 and Mr. Mazna was found in

violation of RCW 42.17.240 for failing to timely file the F-1 report. He was assessed a \$500 penalty.

In 2001, in Case #01-471, Mr. Mazna was required to file an annual F-1 report by April 16, 2001. A hearing before the full commission was held August 28, 2001 and Mr. Mazna was found in violation of RCW 42.17.240 for failing to timely file the F-1 report. He was assessed a \$500 penalty with \$250 suspended on the condition the Respondent commits no further violations of RCW 42.17 for a period of four years from the date of the order. The order was dated August 31, 2001. (**Exhibit 5**) All outstanding penalties have been paid.

IV. **CONCLUSION**

Staff alleges, based on the facts specified in Section III, that Walter Mazna has violated RCW 42.17.240 by failing to timely file the Statement of Financial Affairs (PDC form F-1) by April 15, 2003. Staff further alleges that the Respondent has violated the terms of the order issued in Case #01-471.

RESPECTFULLY SUBMITTED this 20th day of August, 2003.

Philip E. Stutzman
Director of Compliance

Exhibits

Exhibit 1	Jurisdiction Card
Exhibit 2	May 7, 2003 Warning Letter
Exhibit 3	May 23, 2003 Brief Enforcement Hearing Notice
Exhibit 4	June 5, 2003 Cancellation of Brief Enforcement Hearing
Exhibit 5	Order in Case #01-471